

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

WESTERN EXPLORATION, LLC, et al.,

Case No. 3:15-cv-00491-MMD-VPC

Plaintiffs,

ORDER

v.

U.S. DEPARTMENT OF THE INTERIOR,
et al.,

Defendants.

This Order describes the scope of the hearing on the Motion for Preliminary Injunction, which the Court finds necessary to address in light of the parties' recent filings.


On September 23, 2015, two counties and two private parties initiated this action.¹ (Dkt. no. 1.) Five days later, on September 28, 2015, these Plaintiffs filed a Motion for Preliminary Injunction ("Motion"), seeking an expedited hearing. (Dkt. no. 4.) On October 2, 2015, the Court granted Plaintiff's request and set a hearing on the Motion for November 12, 2015. (Dkt. no. 10.) Pursuant to the parties' stipulations, the Court subsequently extended the briefing schedule on the Motion and continued the hearing to November 17, 2015. (Dkt. nos. 15, 28.) On October 22, 2015, Plaintiffs filed an Amended Complaint adding additional plaintiffs ("Additional Plaintiffs"). (Dkt. no. 20.) The Motion was fully briefed on November 12, 2015. On the same day, the Additional

¹The parties are Elko County, Eureka County, Quantum Minerals LLC and Western Exploration LLC.

1 Plaintiffs filed a Joinder to the Motion. (Dkt. no. 33.) Unsurprisingly, the Motion and
2 related briefs do not address the claims of these Additional Plaintiffs, nor how the
3 Additional Plaintiffs can satisfy their burden in seeking preliminary injunctive relief
4 pursuant to the *Winter* factors.²

5 Thus, at the November 17, 2015, hearing, the Court declines to hear any
6 argument or testimony offered by the Additional Plaintiffs with respect to their request
7 for a preliminary injunction for the following reasons: the Court is hearing the Motion on
8 an expedited basis at Plaintiffs' request, the parties have had ample notice of the
9 hearing date, the Additional Plaintiffs have had ample time since the filing of the
10 Amended Complaint to join in the request for preliminary injunctive relief and yet waited
11 until the verge of the scheduled hearing to file their Joinder, and the Motion and related
12 reply brief do not sufficiently address the Additional Plaintiffs' burden for seeking
13 injunctive relief to permit the Court to prepare for the hearing, even if Defendants are
14 prepared to address them.³ The hearing will be limited to the issues raised by the four
15 Plaintiffs who filed the Motion.

16 DATED THIS 13th day of November 2015.

17 
18 _____
19 MIRANDA M. DU
20 UNITED STATES DISTRICT JUDGE
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22 ²On October 6 and 19, 2015, Plaintiffs also filed three supplemental declarations
23 from individuals affiliated with Additional Plaintiffs Humboldt County, Washoe County,
24 and Ninety-Six Ranch. (Dkt. nos. 13, 18.) Those declarations predate Plaintiffs'
25 Amended Complaint, which was filed on October 22, 2015, as well as Additional
26 Plaintiffs' November 12, 2015, Joinder to the Motion. (Dkt. nos. 20, 33.) The
supplemental declarations were thus filed before Humboldt County, Washoe County,
and Ninety-Six Ranch became parties to this case. The Court will not expand the
Motion's scope to include the allegations contained in these declarations, which were
filed by then non-parties.

27 ³This ruling resolves some of the issues raised in Defendant's motion to limit
28 testimony (dkt. no 34). The Court will address the remaining issues in a separate order
after the deadline for Plaintiffs to respond.